

In re Patent Application of:
PHILLIPS ET AL
Serial No. 10/688,357
Filed: 10/17/2003

REMARKS

The courtesies extended by Examiner Chevalier during the discussions with applicant's attorney on Thursday, August 4, 2005, are gratefully appreciated.

As was pointed out during these discussions, applicants have proposed to limit the definition of the invention to the multi-layer structure of Figure 1B of the drawings of the present application. As shown in that figure and as delineated in newly submitted Claim 6, the invention comprises a light transmissive substrate 14 having a diffraction grating pattern or a holographic image pattern formed thereon. Atop the substrate is a color-shifting multi-layer optical film structure 16. This structure includes an absorber layer 18 formed directly on the diffraction grating pattern or said holographic image pattern formed on the first surface of the light transmissive layer, a dielectric layer 20 formed directly on the optical absorber layer 18, and a reflector layer 22 formed directly on the dielectric layer 20. The reflector layer 22 has a first surface 15 thereof opposite a second surface thereof formed directly on the dielectric layer 20, the first surface 15 of the reflector layer replicating the diffraction pattern or said holographic image pattern formed on the first surface of the light transmissive substrate. This resulting structure provides color shifting with change in viewing angle or angle of incident light.

In effect, Claim 6 is a combination of previously amended Claim 1 and Claim 2, dependent thereon, Claim 2 previously reciting the absorber layer, the dielectric layer and the reflector layer. However, Claim 6 is an attempt to more concisely define the structural relationship among the respective layers formed directly atop one another as suggested in the third

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full paragraph on page 8 of the outstanding office action. Newly presented Claim 6 does not recite just three non-descript layers.

The claim is specific both to the holographic diffraction grating pattern and to the layers that are formed upon the light transmissive substrate.

Of the prior art cited in the outstanding office action, the patent to Miekka et al, 5,629,068, discloses no such multi-layer structure, which was obviously recognized in the outstanding office action in view of the citation of the patent to Coombs et al, 5,214,530. However, a comparison of the multi-layer structure of Coombs et al, per se, with the multi-layer structure employed by applicants reveals that Coombs et al discloses no multi-layer structure comprised of an absorber, a dielectric spacer and a reflector atop the holographic pattern on the underlying light transmissive substrate. As such, it is respectfully submitted that replacement Claim 6 defines patentable subject matter.

In view of the manner in which the application has been amendment to more concisely define the invention in newly presented Claim 6, together with cancellation of Claims 1-5, it is believed that the present application currently contains a claim directed to allowable subject matter, so that a patent may issue. Favorable reconsideration of this application, is, respectfully requested.

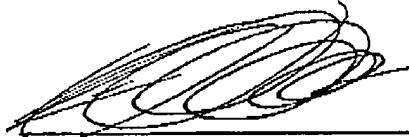
On the other hand, if, upon considering the present amendment, the Examiner believes that a clarifying amendment is in order, she is respectfully requested to contact the undersigned attorney at the telephone number listed below so that such changes may be effected preferably by Examiner's amendment and the case be passed to issue.

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Favorable reconsideration of this application and a Notice of Allowability of all the claims remaining in the application are respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 50-1465 and please credit any excess fees to such deposit account.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to MAIL STOP AF, COMMISSIONER FOR PATENTS, this 8th day of August 2005.

